

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Simon Allen, Jr.,)	
)	No. 6:15-cv-02903
Plaintiff,)	
)	ORDER
vs.)	
)	
Sgt. Moton, Sgt. Holtzclaw, Cpl Grisham,)	
Nurse Donna, Nurse Sara, Nurse Mary,)	
Captain Downey,)	
)	
Defendants.)	
_____)	

This matter comes before the Court on the Report and Recommendation (R & R) of the Magistrate Judge, (Dkt. No. 43), recommending that the Court deny Plaintiff's motion for default judgment (Dkt. No. 40). Plaintiff has not filed any objections to the R & R. For the reasons stated below, the Court ADOPTS the R & R, and GRANTS Defendants' motion.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). This Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made.


Here, however, because no objection has been made, this Court “must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P 72 advisory committee note). Moreover, in the absence of specific objections to the R &

R, the Court need not give any explanation for adopting the Magistrate Judge's analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

The Court agrees with the Magistrate Judge that the defendants effectively answered and denied the allegations of Plaintiff's Complaint when they timely filed the first page of their answer on September 21, 2015. The Court also agrees that good cause exists for extending the time to answer under the circumstances present here.

Therefore, the Court **ADOPTS** in full the Magistrate Judge's Report and Recommendation (Dkt. No. 43) in full as an order of this Court. Accordingly, Plaintiff's motion for default judgment (Dkt. No. 40) is **DENIED**.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Judge

November 17, 2015
Charleston, South Carolina